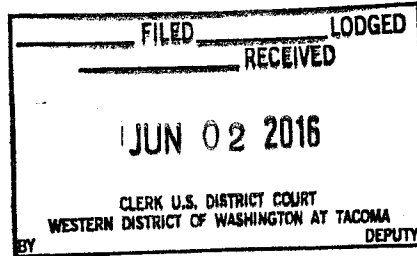


Magistrate Judge David W. Christel



UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JESSE I. KAUTZ,
Defendant.

CASE NO. *MJ16-5095*
COMPLAINT for VIOLATION
Title 18, United States Code,
Sections 113(a)(6) and 1153

BEFORE the Honorable David W. Christel, United States Magistrate Judge,
Tacoma, Washington,

The undersigned complainant being duly sworn states:

COUNT 1

(Assault Resulting in Serious Bodily Injury)

On April 11, 2016, at Taholah, WA, on the Quinault Indian Reservation, in Indian Country, as defined by Title 18, United States Code, Section 1151, and within the Western District of Washington, JESSE I. KAUTZ, an enrolled member of the Puyallup Indian Tribe, did intentionally strike another person, AV, resulting in serious bodily injury.

All in violation of Title 18, United States Code, Sections 113(a)(6) and 1153.

1 The Complainant states in further support of this Complaint:

2 1. I, Jeffrey F. Stetler, am a Special Agent of the Federal Bureau of
3 Investigation (FBI) assigned to the Seattle Division's Olympia Resident Agency. I have
4 been employed by the FBI as a Special Agent for over 17 years. I am currently assigned
5 to investigate violent crimes in Indian Country and other violent criminal acts. Part of
6 my assigned case load involves the investigation of cases involving assaults and assaults
7 with dangerous weapons.

8 2. The information set forth in this affidavit is the result of an investigation
9 conducted by myself and the Quinault Nation Police Department (QNPd) as well as
10 other law enforcement officers. I have not included each and every fact known to me or
11 other investigative personnel concerning this investigation. I have set forth only the facts
12 that I believe are necessary to establish probable cause to believe that JESSE I. KAUTZ
13 committed the crime of Assault Resulting in Serious Bodily Injury in violation of Title
14 18, United States Code, Sections 113(a)(6) and 1153.

15 SUMMARY OF PROBABLE CAUSE

16 A. The Initial Investigation.

17 3. At approximately 9:00 p.m. on April 11, 2016, Detective Kyle Frank of the
18 QNPd interviewed a non-tribal member with the initials AV. AV had been taken to the
19 hospital earlier that day after being assaulted at a residence in Taholah, WA, on Tribal
20 Trust Land within the exterior boundaries of the Quinault Indian Nation. As a result of
21 the assault, AV suffered significant injuries to his face, head and upper torso to include a
22 comminuted nasal bone fracture and a right inferior medial orbital wall blowout fracture.

23 4. AV informed Detective Frank that the assault occurred at the residence of a
24 woman he was dating, Ilene Nelson-Ralston, in Taholah, WA. When asked if he knew
25 who had assaulted him, AV responded that it was "Jesse and Nate." According to AV, he
26 was lying on a bed at Nelson-Ralston's house at approximately 3:00 that afternoon when
27 he heard a loud knock on the door. AV stated that two men who he knew as "Jesse" and
28

1 “Nate” came into the room and immediately attacked him, and that “Jesse” had a black
2 flashlight and began beating him with it.

3 5. AV told Detective Frank that he knew “Jesse” and “Nate” because he used
4 to be “with” an Octavia Newton (more commonly known as Octavia Rivera). AV knew
5 that Nathaniel Newton (Nate) was Octavia’s son. When asked why he was assaulted, AV
6 stated that he was no longer with Rivera and that she was accusing him of stealing her
7 stuff since they were no longer living together. AV told Detective Frank that he received
8 numerous text messages from Rivera saying that she wanted to “be with” AV and was
9 mad that AV was “with” Ilene Nelson-Ralston.

10 6. I know from listening to jail calls KAUTZ made while he was incarcerated
11 at the Hoquiam Police Department Jail that KAUTZ is the father of at least one of
12 Rivera’s children and that AV was living with Rivera while KAUTZ served four months
13 in jail for an unrelated criminal act. KAUTZ had completed his sentence approximately
14 two weeks prior to the assault on April 11, 2016.

15 **B. The Prior Vehicle Stop.**

16 7. At approximately 4:59 p.m. on April 11, 2016, Officer Glanz of the Ocean
17 Shores Police Department stopped a vehicle driven by Nathaniel R. Newton. Also in the
18 car were two young juveniles and JESSE I. KAUTZ, who was in the front passenger seat.

19 8. Officer Glanz identified KAUTZ as the passenger in the front seat from
20 numerous prior contacts with him. Because KAUTZ had a no-contact Order against him
21 and Newton was one of the protected persons, KAUTZ was arrested for violation of that
22 order. KAUTZ advised the children in the car were his, and with his permission a
23 relative arrived on scene to take custody of the children. KAUTZ was eventually taken to
24 Hoquiam PD and booked into jail.

25 9. Because Newton appeared to be driving while intoxicated, Officer Glanz
26 asked Newton if he was willing to provide a voluntary Standardized Field Sobriety Test
27 (SFST). Newton slurred, “Sure Officer.” During the One-Leg Stand portion of the
28 SFST, Newton was asked if he had any injuries which would prevent him from doing the

1 test. Newton slurred, "No sir." Newton then slurred, "Hold on, do you know [A]? He's
2 dating my mom and that motherfucker is my age, I'm pissed off, what would you do
3 right? Do you know [A]? I love you guys man, you guys are awesome, thanks
4 Dickerson."¹ Newton was asked to remain focused on the test, which resumed. Newton
5 was eventually cited for Driving While Under the Influence of Intoxicating Liquor and/or
6 Drugs (Passengers Under the Age of 16 Years of Age) and Reckless Endangerment
7 before being release to family.

8 **C. Additional Investigation.**

9 10. AV advised Detective Frank that he was driven to the hospital by a
10 Caucasian female. Investigation by the QNPD determined this female to be a neighbor of
11 Ilene Nelson-Ralston in Taholah, WA. The driver and her husband were interviewed,
12 and both stated that a Hispanic male came knocking on their door in an extremely frantic
13 manner stating he was being chased by two or three guys. The driver explained that this
14 person, AV, was bleeding everywhere, to the point that she believed he was dying. The
15 driver immediately got AV into their van and drove him to the hospital. When asked if
16 she heard AV say anything about who had assaulted him, the driver stated she heard him
17 say, "Jesse did this." The driver's husband advised that AV told him his assailant was
18 "Jesse" or "Jason" or "JC," but he could not exactly understand him because of the
19 victim's speech and injuries. The driver reiterated that the victim said it was "Jesse" and
20 that "Jesse" had just gotten out of jail and was dating the victim's ex-girlfriend.

21 11. On April 12, 2016, QNPD contacted Ilene Nelson-Ralston at her residence
22 in Taholah, WA, the site of the assault. Nelson-Ralston allowed criminal investigators to
23 conduct a search of her home for evidence of the assault the previous day. At the
24 conclusion of the search, Nelson-Ralston advised that she was not present when AV was
25 assaulted, having left home around 3:50 p.m. for about 15 minutes to purchase gas.
26 When she arrived home with her cousin, Nelson-Ralston noticed that the door was open
27

28 ¹ The name spoken by Newton to Officer Glanz was not just the letter A, but the full first name of AV.

1 but AV was not at home. Nelson-Ralston knew AV did not have a car and did not really
2 know anybody in the neighborhood, so she looked outside for him and yelled his name
3 but could not find him. Nelson-Ralston then drove around the area searching for AV.
4 She returned home and noticed some blood in the home and became worried. Nelson-
5 Ralston then called AV's brother and learned AV had been taken to the hospital.

6 12. Items seized from Nelson-Ralston's home include a black flashlight with a
7 broken end cap found in the room where AV was assaulted, purple sheets with a red stain
8 and two samples of what is believed to be blood taken from the bedroom door frame and
9 living room floor. The flashlight is 9 inches in length with a lamp head of 1.5 inches. It
10 was located on the floor between the bed and the window. Nelson-Ralston advised the
11 flashlight did not belong to her and that she had never seen it before.

12 13. Based on the above facts, QNPD obtained Tribal arrest warrants for
13 KAUTZ and Nathaniel Newton. Newton was brought into the QNPD on his Tribal
14 warrant after he made a court appearance in Ocean Shores, WA for driving under the
15 influence. After Newton was arrested it was determined that because he is 5/32 Quinault
16 Indian and is not enrolled in any tribe, he could not be charged in Quinault Tribal Court.
17 Newton was advised he would not be held on the tribal charge and was free to leave the
18 police station because of his enrollment status, but he agreed to stay and answer
19 questions. Newton said he was not sure why he was arrested but believed it was related
20 to issues concerning his mother, Octavia Rivera, and her boyfriend, AV. Newton denied
21 assaulting AV and denied being on the Quinault Reservation on April 11, 2016. Newton
22 gave what he claimed to be a detailed account of his activities on that day, which
23 included him picking up Kautz on the Nisqually Reservation and culminated with him
24 and Kautz drinking at his grandmother's house, which is located on State Route 109.
25 From there, Newton claimed they drove to Ocean Shores, WA, where they were stopped
26 by the police.

27 14. On April 20, 2016, I interviewed KAUTZ at the Hoquiam Police
28 Department where he was incarcerated on a Department of Corrections hold. After being

COMPLAINT/KAUTZ - 5

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970

1 advised of the identity of the interviewing Agent, KAUTZ was provided his Miranda
2 Warnings via an FD-395, Advice of Rights form. I read these rights to KAUTZ while he
3 read along on his own copy of the FD-395. KAUTZ acknowledged he understood his
4 rights and agreed to waive them and speak to me by signing his copy of the FD-395.
5 Detective Scott Saxon of the QNPD witnessed the Advice of Rights and participated in
6 the interview.

7 15. KAUTZ began by stating he did not know AV, has never seen him or
8 talked to him, and could not pick him out of a line-up. KAUTZ advised that on April 11,
9 2016, he took a bus from Olympia to Ocean Shores, WA, where he was picked up by
10 Nathaniel Newton. I then stopped KAUTZ from talking and advised him he was being
11 untruthful and the reasons why I knew he was not telling the truth. I advised KAUTZ he
12 was going to jail for the assault and the only thing that would make a difference in his
13 ultimate sentence was his cooperation.

14 16. KAUTZ then stated that AV broke their car window and was beating up
15 Octavia Rivera in front of his kids. KAUTZ stated AV had punched Rivera and was
16 essentially stalking Rivera. KAUTZ advised that Newton drove up to Taholah and "hit
17 him with the flashlight." KAUTZ then stated, "I cannot lie, I punched him," followed by,
18 "the dude ran off." When I asked KAUTZ what his intentions were when he drove up to
19 Taholah, KAUTZ stated they were to "punch him and this was it, don't hit my girl, cuz I
20 protect my family." KAUTZ stated: "I don't use weapons on people at all" and that he
21 preferred to fight "man to man." According to KAUTZ, Newton picked him up on the
22 Nisqually Reservation and they drove out to Ocean Shores. KAUTZ advised that he
23 wanted to clean up his warrants in Ocean Shores and get his life in order. However, he
24 and Newton "drank quite a bit." After Newton told KAUTZ he knew where AV was
25 staying, the two drove up to Taholah, WA, with KAUTZ's children in the vehicle.
26 KAUTZ advised they went to Taholah with the intention to beat up AV. KAUTZ said he
27 did not try to talk Newton out of it because he was upset with AV and wanted to beat him
28 up as well.

1 17. According to KAUTZ, Newton knocked on the door while KAUTZ stood
2 back by the car. Once Newton went inside, KAUTZ followed and they found AV in a
3 back bedroom. KAUTZ stated that he probably punched AV in the face “five, maybe
4 four times” and that Newton hit AV hard with the flashlight, which looked like “a little
5 club or something.” KAUTZ did not say how many times Newton allegedly hit AV with
6 the flashlight, but noted that the impact was hard enough to cause the flashlight to break.
7 KAUTZ described the flashlight as “black or something.” KAUTZ said that he did not
8 know why Newton brought the flashlight, and confided that his fist was still sore, but the
9 swelling from punching AV had just gone down. According to KAUTZ, Rivera did not
10 know he and Newton drove to Taholah with the intention of assaulting AV and did not
11 request that they do so.

12 18. Kautz stated that if the FBI took fingerprints from the flashlight his would
13 not be found on it. KAUTZ agreed to provide the FBI with a DNA sample to compare to
14 anything found on the flashlight in question. Forensics on the flashlight are pending.

15 19. On April 25, 2016, KAUTZ was transferred to Quinault Nation custody
16 based on their arrest warrant. On April 28, 2016, QNPD Corrections Officer Button
17 answered the Quinault Jail intercom for KAUTZ. KAUTZ told Officer Button that his
18 hand was hurt and requested to go to the clinic to have it examined. When speaking to
19 Officer Button about his hand at his cell door, KAUTZ explained: “When I was being
20 criminal the reason I’m here, when I got arrested, I hurt my hand punching that dude in
21 the face.” Officer Button asked KAUTZ to put his hand out the meal slot so she could
22 check for swelling or any sign of injury. KAUTZ then stated his hand hurt when he
23 touched it then squeezed his hand and said “that hurts.” KAUTZ made a fist and pointed
24 to the back of his hand by the knuckles of his pinky and ring finger and said “this part hit
25 on his face,” then pointed to his jaw while still making a fist. Officer Button then advised
26 her supervisor what KAUTZ had said and that he would need to be transported to the
27 Roger Saux Health Center to receive care.
28

21. Based on the foregoing, I respectfully submit there is probable cause to believe that JESSE I. KAUTZ committed the crime of Assault Resulting in Serious Bodily Injury violation of Title 18, United States Code, Sections 113(a)(6) and 1153.

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the defendant committed the offense set forth in the Complaint.

DATED this 2ND day of June, 2016.

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970